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CONTENTS

	Page		Page
Legislation of the Past Month	79	No Class Struggle	86
The Fascist Program	80	Terms of the Mutual Agreement	86
Extended Power of the Premier	80	Compulsory Arbitration	87
His New Political Status	81	Representation of Classes	87
Legislation by Decree	81	Formal Recognition	88
Extended Power of the Central Government ..	82	Structure of Recognized Organizations	88
Local Autonomy Curtailed	82	Government Control	89
Opposing Views of Its Desirability	82	Inviolable Collective Agreements	89
Supervision of Prefects Over Communes	83	Organizations Beyond the Pale	89
Special Municipal Arrangements	83	Compulsory Arbitration	90
The Central Government and Civil Rights ..	83	Procedure in Industrial Courts	90
A Retroactive Check on Liberty	84	Special Position of Unrecognized Organizations	90
The Prefects and Public Opinion	84	No Stoppage of Industry	91
Conduct of Emigrant Italians	85	Fundamentals of Fascist Labor Laws	91
The State, Capital and Labor	85	Proposed Reform of Senate	91
Co-Operation Between Capital and Labor ...	85		

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Recent Legislation In Italy

THE march on Rome in October, 1922, established Mussolini and the Fascist party in power. The series of measures recently proposed under Fascist auspices marks a new crisis in Italian politics and a further development of Fascist authority. Up to the end of 1925 the *Statuto Fundamentale del Regno* granted by the King of Sardinia to his subjects in 1848 was still in essence the basis of the constitution of Italy. Changes, however, had been made—not by constitutional amendments but by ordinary process of legislation. By this process various modifications had been effected from time to time, but the recent laws, while less dramatic than the *coup d'état* of October, 1922, constitute a whole program of legislation, and mean not only an extension of Fascist principles but an abrogation of the constitution and radical changes in the whole structure of the Italian state. Of these changes the most fundamental is the control of the entire productive life of the nation by the government, through the new Ministry of Corporations and an elaborate

machinery of subsidiary organizations. According to its supporters this new system, with its substitution of a relationship of co-operation between labor and capital for one of antagonism, constitutes the achievement of a constructive and peaceful revolution in Italy and also furnishes a significant contribution to political theory and practice in world history.

Although the program is not yet carried out completely, most of it has been enacted and is being put into force.

LEGISLATION OF THE PAST MONTH

The Cabinet Council on May 3, 1926, approved a measure instituting what is called the "Ministry of Corporations" or in other words, the Ministry of Trade Unions. It is proposed to make this a department of state of first-rate importance.

The new system was worked out in detail and then approved by the Cabinet in somewhat modified form on May 18, 1926. Its main provisions may be summarized as follows:

Only Fascist organizations are recognized. All anti-Fascist unions are deprived of their powers. The present Fascist Confederation of Labor Unions is retained temporarily in order not to destroy its organization work. Membership in the new national associations will be restricted to Italians, male and female, over twenty-one years of age and "of good moral and political conduct from a national viewpoint." Non-Italians will not be permitted membership but will pay dues and profit by collective labor contracts. All Italian producers will belong to local syndicates, of which one will exist for each individual art, craft, trade and profession. Intellectual and manual laborers must belong to separate associations. Three great national confederations are formed, made up of workers, employers and professional people respectively. The workers' and employers' confederations each include associations for industry, agriculture, commerce, banking and transport. That of the professionals includes associations for artists, artisans, and the various professions, medicine, law, journalism; but professors and teachers will be included in the special state associations. The government reserves the right to step in at any time for any purpose "for the protection of national interests."

THE FASCIST PROGRAM

At least five main principles are involved in the Fascist program:

1. Co-operation between labor and capital under state supervision and with compulsory arbitration.
2. Representation on the basis of occupation as well as of residence.
3. Extension of the control of the government over freedom of speech and of the press.
4. Increase of the power of the central government over local government.
5. In the central government, concentration of power in the hands of the Premier.

The recent laws may be classified under the following subjects:

1. Extension of the power of the Premier.
 - a. Power of the Premier in relation to the King, ministers, and legislature.
 - b. Legislation by decree.
2. Extension of the power of the central government.
 - a. Over local government.
 - i. Through the Podesta.
 - ii. Through the Prefect.
 - iii. In Rome.
 - iv. Despite municipal suffrage.
 - b. Over civil rights.
 - i. Laws concerning secret societies.
 - ii. Laws concerning the press.
 - iii. Laws concerning Italian citizens abroad.
3. Relation of the State to capital and labor.
 - a. Co-operation between capital and labor under state supervision, and compulsory arbitration.
 - b. Representation in the Senate on the basis of occupation.

EXTENDED POWER OF THE PREMIER

The following provisions defining the relations of the Premier to the King, the ministers and the legislature, are contained in the draft of the law presented by the commission on November 27, 1925, passed by the Chamber on November 28 and by the Senate on December 19, 1925:

Article I. The executive power is exercised by the King, through the medium of the Premier and the Ministers.

Article II. The Premier is nominated and recalled by the King, and is responsible to the King for the general political direction of the Government. The decree for nomination of the Premier is confirmed by him, and that recalling him, by his successor. The Ministers are nominated and recalled by the King on the proposal of the Premier. They are responsible to the King and the Premier for all acts and measures of their Ministers. The Under Secretaries are nominated and recalled by the King on the proposal of the Premier in agreement with the Ministers concerned.

Article III. The Premier directs and coordinates the work of the Ministers, decides

matters in which there is disagreement among them, calls meetings of the Council of Ministers and presides over them.

Article IV. The number of the Ministries, their formation and the work entrusted to them is established by royal decree on the proposal of the Premier. The Premier may be entrusted with the direction of one or more of the Ministries by royal decree, which may also delegate to an Under Secretary of State part of the attributes of a Minister.

Article V. The Premier takes part in the council for the protection and care of the members of the royal family, exercising the functions of Crown Notary. The Premier is by right the Secretary of the Supreme Order of Annunziata.

Article VI. No question can be included in the agenda of the Senate or Chamber without the consent of the Premier. The Premier has power to ask that any bill rejected by one of the two Houses be revoted at least three months after the first vote. In this case, vote by secret ballot takes place without further discussion. If, however, when the new vote is asked the Government introduces amendments into the bill, then the discussion is limited to these amendments, after which the vote takes place by secret ballot. The Premier also has the power to ask that a bill rejected by one of the two Houses be transmitted to the other, by which it is to be examined and voted upon. When a bill already approved by one of the two Chambers is approved by the other but with amendments, it must be returned to the Chamber where it originated. Under such circumstances the discussion and voting must be limited to the amendments.

Article VII. The Premier, while in charge, ranks in public functions as the Head Knight of the Annunziata; he enjoys on the budget of the State a yearly honorarium for expenses and official purposes, the amount to be determined by royal decree.

Article VIII. The Premier, in each case of absence or prevention from fulfilling his duties, designates another Minister to act as his substitute.

Article IX. Whoever commits an act against the life, integrity or liberty of the Premier is punished with imprisonment for

a term of from ten to twenty years; if he succeeds in the attempt he is punished with life imprisonment. Whoever offends the Premier by word or act is punished with imprisonment for a term of from six to thirty months, and is fined from 500 to 3,000 lire.

HIS NEW POLITICAL STATUS

The significance of the measure is fourfold:

1. It gives to the Premier a definite and political status. Hitherto his position had not been fixed in constitutional practice.
2. It makes the Premier responsible solely to the King.
3. It makes his continuance in office independent of an adverse vote of the Chamber.
4. It emphasizes, especially by the last article, the outstanding importance of his position. He is no longer *premier inter pares*, but becomes a real head.

It is to be noted further that by a royal decree the official title of the head of the government was changed from "President of the Council of Ministers" to "Prime Minister." By the same decree Mussolini's *ad interim* holding of the four portfolios of Foreign Affairs, War, Navy and the Air was changed to a definite appointment.

LEGISLATION BY DECREE

Legislation by decree or ordinance is not new in Italy. According to the constitution which has been in force since the establishment of the present kingdom, the Executive may "make decrees and regulations necessary for the execution of the laws without suspending their observance or granting exemption from them." But under the Fascist régime it has been more extensively used than ever before under the name of decree laws. A law regulating these decree laws was passed by the Chamber on July 20, 1925 (by a vote of 250 to 37) and by the Senate on December 14, 1925. The bill deals with the following points:

1. Matters which may be included in such decree laws.
2. Circumstances under which they may be used.

3. The length of time for which they are operative.

Supporters of the law claim that it regulates and limits what might have become an abuse. Opponents, on the other hand, assert that it only regularizes a dangerous encroachment of the executive power on the legislature.

EXTENDED POWER OF THE CENTRAL GOVERNMENT

There has been a distinct increase in the power of the central government so as to affect both local governments and the civil rights of individuals.

The Podesta—The communes up to the beginning of 1926 were governed by communal councils and by mayors chosen by the communal councils from their own numbers. The powers of these local bodies were, however, not extensive. A bill substituting for elective offices in every commune of less than 5,000 inhabitants an executive (called a "Podesta") appointed by the central government was passed by the Chamber on November 27, 1925 and by the Senate on January 28, 1926. This bill includes the following provisions:

1. The establishment of a Podesta may also be extended by royal decree to towns having a population larger than 5,000 in cases where the communal council has been dissolved twice within a period of two years.
2. The combination of two or more contiguous communes whose combined population is less than 5,000 is permitted under a single Podesta.
3. The term of the Podesta is five years and he is eligible for re-appointment.
4. It is required that the Podesta possess educational qualifications or, in place thereof, experience in municipal administration, or that he shall have participated, under certain conditions, in the war.
5. The Podesta may be assisted, with the approval of the Prefect, by a small council of not less than six members to be nominated by the Prefect, a third directly and two-thirds on the designation of syndicates and other local associations. The functions of this body are purely consultative. But in cases

where the Podesta has been established in a town of over 5,000 on account of the dissolution of the council, no consultative body may be chosen.

LOCAL AUTONOMY CURTAILED

According to the figures of the last census this law applies to over 7,000 of approximately 9,000 communes existing in Italy. A government communiqué issued on October 8 gives the reason for the change as follows:

"The new system will substitute for the electoral system, which has proved its incompetence, a competent organ of government above parties.

"In small centres there is a lack of proper control of public opinion, which becomes impassioned not over programs and ideas but over personalities, so that if the public interests are to be saved from ruin there must be administration without personal animus and without heat.

"The re-invigoration of the communal governmental organism, therefore, can only be accomplished by the work of the State. The administration of public affairs requires high-grade competence and specific culture, and is incompatible with a legislative system which, not taking into account local conditions, is based on the erroneous presumption of administrative capacity in citizens who scarcely know how to read and write.

"This absurd presumption of general capacity in administrative work must be abolished in the interest of the public good, and by our laws we must return to reason, logic and above all reality.

OPPOSING VIEWS OF ITS DESIRABILITY

"The institution of the Podesta, while it means the cessation of local bickerings on the basis of personalities, thus bringing immediate and tangible benefits, does not harm the substantial basis of local autonomy, since autonomy is not only a problem of organization but also a problem of the attributes and functions, as well as the integrity of the State."

It was argued against the bill on the other hand that it would remove an opportunity for civic education; that local government ought to be submitted to popular control; and that to distinguish between

communes on the basis of size would mean the utter destruction of equality.

SUPERVISION OF PREFECTS OVER COMMUNES

The Prefect—Until the present time the Prefects have received orders only from the Minister of the Interior, and their functions have been purely political. The laws recently passed involve a considerable increase in their powers. The law establishing the Podesta, for example, gives them, as already indicated, a large measure of control over municipalities. Other regulations provide for the co-ordination of various local activities under their direction. Twelve categories of public service are enumerated whose directing officials must be regularly called upon by the Prefects for consultation and collaboration. This means that the Prefects are to undertake work formerly done under the direction of various Ministers, excepting only the Departments of War, Navy, Aviation and Justice.

SPECIAL MUNICIPAL ARRANGEMENTS

Rome—By a decree law approved by the Council of Ministers on October 8, 1925 and promulgated October 28, 1925, municipal self-government in Rome was supplanted by a city administration in the hands of government appointees. The main argument for this change was that the special position of Rome as the seat of the national government demanded a special form of administration.

The law provides for the following officials:

A governor, two vice-governors, ten rectors and an advisory council of eighty members. They are all appointed by royal decree. The powers of the government include those formerly exercised by the mayor, the alderman and the municipal council. The ten rectors are experts, each charged with supervising, under the responsibility of the governor, a special department of administration. The members of the council are appointed on the nomination of various local cultural, educational and industrial institutions.

Woman Suffrage in Municipalities—The bill was passed by the Chamber on May 15, 1925 and by the Senate on November 18,

1925. It applies only to the municipal franchise and as municipal elections in about 7,000 communes are suppressed by the bill establishing the Podesta, its provisions are in large measure nullified.

It gives the suffrage to women who have attained the age of twenty-five years and are within the following categories:

1. Those decorated with medals for military valor or with war crosses of merit.
2. Those decorated with medals for civil valor or merit in public sanitation or elementary instruction or for meritorious public service on the occasion of a public calamity.
3. Mothers of the war dead.
4. Pensioned war widows.
5. Those exercising the rights of guardianship or tutelage over children.
6. Those having completed the elementary school courses prescribed by the State or those who are able to pass equivalent examinations.
7. Those who pay annual taxes of not less than 40 lire and who are able to read and write.

Women will be eligible to all communal offices except those of mayor, assessor or head of the council.

THE CENTRAL GOVERNMENT AND CIVIL RIGHTS

Secret Societies—The bill was passed by the Chamber on May 19, 1925 and by the Senate on November 20, 1925. It was promulgated on November 26, 1925. It brings secret societies under the control of the state and forbids government employees from belonging to them.

It provides that all associations, organizations and institutions established or operating in the kingdom and in the colonies are to be obliged to communicate to the police their charters, statutes and internal regulations, the list of their activities, and of their members, and all other information pertaining to their organization and activities whenever in the interest of order and security it is requested by the authorities.

Violation of this law is punishable by imprisonment of not less than three months and by a fine of from 2,000 to 6,000 lire. The deliberate furnishing of false or incomplete information is punishable by imprisonment

of not more than a year and by a fine of from 5,000 to 30,000 lire. The offender is furthermore ineligible for office for five years.

In all cases of failure to make a declaration or of making false or incomplete declaration, an association may be dissolved by order of the Prefect.

All functionaries, employees, and agents of the State of every grade and order, both civil and military, are dismissed from their position or employment if they belong even as ordinary members to associations, organizations or institutions established either in the kingdom or outside of it which operate in part in secret or to which the members are bound in secret. The same ruling applies to functionaries, employees, and agents of the provinces and communes, or of institutions under the laws and tutelage of the State, the provinces or the communes.

Functionaries, employees, civil and military agents, are required to declare whether they belong or have belonged even as ordinary members to associations, organizations or institutions of any kind, established or operating in the kingdom or outside of it—the declaration to be made, in the case of dependents of the State, to the Minister, and in all other cases, to the Prefect of the province.

Functionaries, employees and agents both civil and military who do not obey such request within two days of notification incur suspension of their salary for a period of not less than fifteen days and not more than three months. In case of information deliberately false or incomplete, the penalty is suspension of salary for a period of not less than six months.

A RETROACTIVE CHECK ON LIBERTY

Although no specific mention of the order was made in the bill, it was directed mainly against Freemasonry. In the discussion of the bill in the Senate the majority of the speakers declared themselves in its favor, but a minority criticized it sharply as a violation of the fundamental rights of the Italian people. Several speakers who approved of the law in general found fault with the provision making it obligatory for all gov-

ernment employees to declare whether they had belonged to secret societies in the past.

THE PREFECTS AND PUBLIC OPINION

The Press—For a year prior to June 1925 the Italian press was regulated largely by royal decrees. These decrees were embodied in a series of bills passed by the Senate on December 16 and promulgated on December 31, 1925.

They include the following provisions:

1. Every newspaper and periodical must appoint a director who is responsible for the contents of the paper.
2. In case the director is a Senator or Deputy, the responsible director must be one of the principal editors.
3. The director or responsible editor must be registered as a professional journalist.
4. The director or responsible editor must obtain the sanction of the State's attorney of the Court of Appeals in whose jurisdiction the paper is published.
5. The State's attorney may deny or revoke sanction to those who have been twice condemned for offences connected with the press.
6. The action of the State's attorney in revoking sanction is to be accompanied by an explanation. In such cases appeal may be made first to the Minister of Justice and then to the Council of State.
7. The request for sanction must be accompanied by a declaration containing a list of all the proprietors or—in case of an association—by a copy of its constitution and a list of its officers.
8. The above declaration must be renewed yearly.
9. A register of journalists is to be kept at each Court of Appeals. No one may practice the profession of journalist whose name is not inscribed in such a register.
10. Prefects are empowered to seize editions of newspapers which attack the Government in its foreign policy, or which injure the national credit at home or abroad, or which alarm the people without justification.

The reason for excluding Senators and Deputies from the post of responsible director is that they cannot be arrested without the authorization of the Chamber to which they belong and therefore can only with difficulty be held accountable.

It is argued in support of the measure that it is necessary for the safety and dignity of the State. On the other hand, it is contended that too great discretion is given to the Prefects, that the law lends itself to persecution on political grounds, and that no machinery is provided by which newspapers can obtain redress if unjustly suspended.

CONDUCT OF EMIGRANT ITALIANS

Italian Citizens Abroad—The bill was passed by the Chamber on November 28, 1925 and by the Senate on January 28, 1926. Its provisions are as follows:

Citizenship is lost by a citizen who commits or takes part in the commission abroad of an act intended to disturb the public order of the kingdom, or from which harm to Italian interests, the good name and prestige of Italy may accrue, even if that act be not a crime. The loss of citizenship is declared by royal decree on the suggestion of the Ministers of the Interior and Foreign Affairs, after an inquiry conducted by a special commission composed of a Councillor of State, the Director-General of Public Safety, a Director of the Foreign Office appointed by the Foreign Minister, and two judges of the Court of Appeal nominated by the Minister of Justice. Together with loss of citizenship, sequestration of property may be ordered, and in more grave cases its confiscation. The decree which orders the sequestration of property will also determine its duration as well as the destination of the income derived from such property. In the event of the owner of such property becoming a citizen of a foreign country at a later date, he loses the right to such property, whether it be confiscated or sequestered. The loss of citizenship also implies loss of titles, salaries, or other dignities due

to the former citizenship. The loss of citizenship declared according to the terms of this law does not in any way prejudice the status of the husband or wife or son of a former citizen.

THE STATE, CAPITAL AND LABOR

The most radical feature of the new legislation and that which has given rise to the most discussion is the bill dealing with the relation between capital and labor.

The inter-relation of trade unions—syndicates as they are called in Italy—is not new. There have long been Catholic and Socialist unions and, with the growth of Fascism, Fascist trade unions also developed. In January, 1922 these Fascist unions were united and officially registered as “La Confederazione Nazionale delle Corporazione Sindicali.” Their principles were set forth in the statutes of the confederation. These statutes include the following provisions:

Under the title of “National Confederation of Corporations” an association is being formed throughout the territory under the rule of the Italian State to unite under the symbol of the Italian flag citizens of both sexes and every religious denomination and of all classes and all types of intellectual and manual labor.

CO-OPERATION BETWEEN CAPITAL AND LABOR

The Confederation, maintaining that the re-arrangement of society on a trade union basis should be developed by representing all categories and classes, establishing among them a network of relationships, both economic and juridical, for the purpose of determining and defining their respective social functions, declares that trade unionism is no longer the specific institutional feature belonging solely to the “labor” class, but, owing to the impulse originating from labor and passed on to all other classes, has become the institutional feature of the entire population and, as such, is incorporated in and identified with the nation, as the supreme synthesis of the entire spiritual and material values of the race.

The Confederation describes trade unionism as an expression of the needs of a society in which problems of production and cultivation hold the first place. It should submit all organized productive forces to the direction of science and expert knowledge. The interest or duty common to all categories and classes of people consists in labor and in intensive and progressive production, adjusted to the growth of national requirements; and in the fight against parasitism, waste of wealth, and extravagance on a large scale.

The Confederation declares that the development of production presupposes and implies the growth of capital, to be invested continually in new or more perfect forms of labor; a growth which ought not to be based on a curtailment of wages, so long as the latter are in accordance with industrial conditions and general cost of living.

The Confederation declares that the increase of production and means of production imply not only the increase of the productive types, but at the same time the increase of the middle classes and an ever-growing diffusion of wealth and property; which also means that it will afford to the proletarian *élite* the possibility of acquiring and directly managing the instruments and materials of production and of rendering themselves indispensable both socially and technically.

NO CLASS STRUGGLE

The Confederation declares that all classes are necessary. Each corresponds to a function forming one of that series of tasks indispensable for the due organization of labor and of production. Classes become more numerous as social functions become more numerous in an economic régime directed toward constantly increasing productivity. Thus progressive economic evolution can never lead to the abolition of classes, because that would mean the retrogression or arrest of social functions in the field of labor.

The Confederation declares that the dynamic law of civil history does not consist in the struggle between classes, which means war among social functions, and still less in collaboration of classes, which

means confusion. It consists rather in a struggle on the basis of ability, which means the struggle of the masses of the lower classes who have become capable of fulfilling the tasks of the upper classes, against the upper-class masses who have lost the ability to fulfil the tasks of their own class.

From the very beginning the Fascist unions have been supported by the Fascist government in the competition with their earlier rivals, the Catholic and Socialist unions. On October 2, 1925 they won a decisive victory in an agreement with the Confederation of Industry (said to represent almost all the Italian employers of labor) by which they received the sole right of recognition. The agreement runs as follows:*

TERMS OF THE MUTUAL AGREEMENT

1. The Italian Industrial Employers' Federation recognizes the Confederation of Fascist Corporations and its affiliated organizations as the sole representative of the workers.
2. The Confederation of Fascist Corporations recognizes the Italian Industrial Employers' Federation and its affiliated organizations as the sole representative of the employers.
3. All contractual relations between employers and workers must be established between organizations affiliated with the above Employers' Federation and organizations affiliated with the Confederation of Fascist Corporations.
4. Consequently works councils are abolished and their functions transferred to the local trade union (*sindacato locale*) which will exercise them with the corresponding employers' organization.
5. Discussion of the general provisions relating thereto which are to be inserted in the shop regulations shall be taken up within ten days.

Against this agreement the executive committee of the General Confederation of Labor issued a protest which contains the following passages:

*This agreement with the protests and the text of the law is taken from the Monthly Labor Review, Vol. XXII., No. 3; March, 1926.

The Italian employers are now endeavoring to paralyze the freedom of trade unionism in Italy. The employers have concluded the Rome agreement according to which the General Confederation of Industry and the Confederation of Fascist Corporations mutually recognize one another as the sole representatives of the employers and workers respectively. In point of fact such action is entirely unjustified, save by the egoism of the employers' class and the monopolizing mania of the ruling party, which was brought to power in order to fight against the non-existent danger of an anarchic revolution.

The General Confederation of Labor will continue to work, whatever may be the manoeuvres or measures put into force against it. The same will be the case with all the confederated organizations, and, when it is thought that our organizations have disappeared, they will be found once more in the factory, making the weight of their experience once more felt. They will continue to be the organizations which can best defend the interests of the worker.

COMPULSORY ARBITRATION

Further provisions for the carrying out of this plan were presented on October 6, 1925 by the Fascist Grand Council. They may be summarized as follows:

1. That for each art, craft, trade or profession one Fascist trade union (syndicate), representing the interests of the workers, and one corporation affiliated with the Confederation of Industry, representing the interests of employers, be lawfully recognized and be subjected to State supervision. Only syndicates or corporations are thus legally empowered to enter into collective labor contracts binding all the members of that particular art, craft, trade or profession.
2. That all labor disputes be solved by a juridical body appointed by the State and representing the interests of the nation; therefore that labor magis-

trates be instituted; that all legally recognized syndicates or corporations have the privilege of appeal to the labor magistrates, whose decision shall be considered binding for both sides; that labor magistrates be empowered to enforce their decisions by force if necessary; that all grievances of State employees or workers in public utility services be submitted to labor magistrates.

3. That once a labor magistrate has been appealed to, all strikes and lockouts are forbidden; that in any case lockouts or strikes in public utility services, strikes of State employees and political strikes be considered as crimes and be severely punished.

REPRESENTATION OF CLASSES

It was further proposed that in each province there should be instituted three provincial corporations, representing agriculture, industry and commerce, and the intellectual professions; and that each of these corporations should be composed of two parts, one representing the workers and the other the employers, and that they elect their representatives to sit on the local councils of the municipalities and also representatives to parliament. Thus in the syndicates the various categories of labor alone are included, while in the corporations are included both labor and capital.

These proposals were in part embodied in a bill introduced in the Chamber of Deputies. With a few minor changes the bill was passed by the Chamber on December 11, 1925 and by the Senate on March 11, 1926. The provisions of the law are as follows:

Legal Recognition of Trade Unions—Organizations (*associazioni sindacali*) of employers, and of manual and intellectual workers may be legally recognized if they conform to certain conditions. In the case of employers' organizations, voluntarily enrolled members must employ at least 10 per cent of the workers employed in the kind of establishments and in the territorial district for which the organization has been created. In the case of workers' unions, the voluntarily enrolled mem-

bers of the union must form at least 10 per cent of the kind of workers employed in the territorial district for which the union has been created. Recognition is further conditioned on the officers of such organizations giving guarantees of their ability, morality, and national loyalty. Furthermore, in order to be recognized, organizations must, in addition to defending the economic and social interests of their members, engage in welfare work and in educational work of a moral and national nature for the benefit of their members.

Provided the above conditions are fulfilled, organizations of artists and of professional workers may also be legally recognized. Professional organizations already existing and recognized by law will continue to be governed by present legislation; but such legislation may be amended by royal decree with a view toward bringing it into harmony with the present law. For the same reason the constitution and by-laws of artists' and of professional workers' organizations recognized as legal persons prior to the enactment of the present law will also be subject to revision.

The organizations contemplated in the present law may be either employers' or workers', or joint organizations. In the latter case, however, there must be special and separate representation for employers and for workers. If the organizations include several classes of workers, each of these classes must have special representation, in addition to the common representative body for the whole organization.

FORMAL RECOGNITION

The recognition of an organization will be given by royal decree on the proposal of the competent Minister, in agreement with the Minister of the Interior, after the Council of State has been consulted. The constitution and by-laws of the organization will be approved by the same decree and must be published in the *Gazzetta Ufficiale*. They must show the precise object of the organization, the procedure adopted for the appointment of its representatives, and the conditions for admission of members—among which must be included political affiliation satisfactory from a national point of view. The constitution and by-laws may

also provide for the organization of occupational schools and of institutes having as their object the increase and improvement of national production, culture and art.

The Single Union—Organizations recognized by law will be given a legal personality and shall legally represent all the employers, workers, artists, and professional workers belonging to the class for which they are constituted and within the district in which they operate.

STRUCTURE OF RECOGNIZED ORGANIZATIONS

Organizations recognized by law are entitled to require from all employers, workers, artists, and professional workers represented by them, whether or not they are members of the organization, an annual contribution not exceeding, in the case of employers, one day's wages for each worker in their employment; and in the case of workers, artists, and professional persons, one day's earnings. At least 10 per cent of the annual contributions collected by an organization must be set aside as a guaranty fund for the obligations assumed by the organization in the collective agreements concluded by it. The provisions of the act relating to the collection of municipal taxes are to be applied to the collection of these contributions. The contributions of the workers are collected by means of deductions from their wages and salaries.

Only regularly enrolled members are entitled to take part in the activities of the organization and in the election or nomination of its representatives, and only recognized organizations may designate employers or workers as representatives to all councils, official bodies, or organizations in which such representation is provided for by laws and regulations.

Organizations may be established as communal, district, provincial, regional, inter-regional, and national organizations. Federations of several organizations and confederations of several federations may also be recognized. Recognized federations and confederations are given disciplinary power over their affiliated organizations and their members. Only one organization or one federation or one confederation may be recognized for each class of employers, workers, artists, or professional workers

within the territorial limits assigned to it. If a national confederation for all classes of employers or workers in agriculture, industry, or commerce, or for all classes of artists or professional workers has been recognized, federations or organizations not affiliated with the confederation may not be recognized.

In no case may an organization be recognized which, without governmental authorization, has any ties of discipline or dependence with any organization of an international character.

Officers of Unions—Each organization must have a president or a secretary appointed or elected in accordance with its constitution and by-laws, who directs its work, represents it, and is responsible for its operation. His election or appointment does not become effective unless approved by the competent Minister by decree, and the approval may be revoked at any time. The constitution and by-laws of the organization shall state what officer shall have the right to discipline or expel members who are undesirable owing to their moral conduct or political views. The president or secretary shall be assisted by a management committee elected by the members.

GOVERNMENT CONTROL

Government Supervision — Communal, district, and provincial organizations are subject to the supervision of the Prefect and of the provincial administrative council in accordance with regulations to be issued later. Regional, inter-regional, and national organizations are subject to the supervision of the competent Minister. The competent Minister may dissolve the management committee of an organization and concentrate all power in the hands of the president or secretary for a period not to exceed one year. In more serious cases he may entrust the administration of the organization to a commissioner. In the case of organizations affiliated with a federation or a confederation, the decree recognizing the federation or confederation may also provide that the supervision of such organizations shall be exercised wholly or in part by the federation or the confederation.

The recognition of an organization may

be revoked, on proposal of the competent Minister, either for reasons of grave emergency or if the organization does not conform to the provisions of the present law.

INVIOABLE COLLECTIVE AGREEMENTS

Collective Agreements—Agreements concluded by recognized organizations are binding on all the employers, workers, artists, or professional workers of the class to which the agreement relates and which is represented by these organizations. This is true whether or not the employers, workers, artists or professional workers are members of the organizations making the agreement.

Unless collective agreements are concluded in writing and state the period they are to be in force, they are void.

Joint organizations of employers and workers may, by agreement of the representatives of the parties concerned, draw up general rules relating to the conditions of labor in the establishments for which they are constituted. These rules shall be binding upon all the employers and workers represented by such joint organizations.

Copies of signed collective agreements or of general rules drawn up according to the foregoing provision must be deposited at the Prefecture and published in the provincial official gazette in the case of communal, district, or provincial organizations; in the case of regional, inter-regional, or national organizations they must be deposited at the Ministry of National Economy and published in the *Gazzetta Ufficiale*.

Employers and workers violating collective agreements to which they are subject are civilly liable to both the employers' and the workers' organizations which have concluded the agreement.

Further regulations concerning the conclusion and effects of collective labor agreements will be issued by royal decree on proposal of the Minister of Justice.

ORGANIZATIONS BEYOND THE PALE

Prohibited Organizations — The provisions of the present law on legal recognition of trade organizations are not applicable to organizations of employees of the State, provinces, communes, and public charitable

institutions, concerning which special regulations will be issued.

On pain of dismissal and other disciplinary punishment, the formation of organizations of a trade-union character by officers and the rank and file of the royal army, navy, or air force, or other armed forces of the State, provinces, or communes, by magistrates in either judiciary or administrative service, or by officials or agents of the Ministries of the Interior, Foreign Affairs, and the Colonies, is prohibited.

Existing Organizations — Organizations of employers, workers, artists, or professional workers which are now recognized by law may continue to exist as *de facto* associations, according to legislation already in force, and subject to the exceptions set out in the preceding paragraph. The provisions contained in the legislative decree of January 24, 1924,* are applicable to these organizations.

COMPULSORY ARBITRATION

Industrial Courts and Arbitration of Labor Disputes—All disputes on the subject of collective labor agreements, whether they relate to the enforcement of such agreements, or whether their object is to establish new conditions of labor, must be dealt with by the Courts of Appeal, sitting as industrial courts (*magistrature del lavoro*). Before rendering a decision, the president of the court shall attempt conciliation. Disputes of this kind may also be referred to arbitrators, under the provisions of article 8, et seq., of the Code on Civil Procedure.

In order that the Courts of Appeal may serve as industrial courts, a special division will be created in each of the sixteen Courts of Appeal. This division will be composed of three magistrates—a president of division and two judges of the Court of Appeals—and two experts in matters of production and labor, chosen by the first president from a special list to be drawn up in each appeal district, divided according to the

various branches of industry and occupational classes. These lists are to be revised every two years. The first president will choose each year from the lists those persons in each group who will be called upon to act as expert advisers in disputes concerning the establishments which constitute the group. Persons directly or indirectly involved in a dispute may not be called upon to act as expert advisers with respect to that dispute.

PROCEDURE IN INDUSTRIAL COURTS

In deciding disputes relating to the enforcement of existing agreements, the court will base its judgment on the provisions of the law relating to the interpretation and execution of contracts. In cases relating to the formulation of new labor conditions, the court will render its decision according to equity, weighing the interests of the employers against those of the workers, and in each case taking into account the higher interests of production.

When new labor conditions are determined by the court, it must also determine for what period they shall be in force. The period shall as a rule be that established by custom under agreements voluntarily concluded.

The decision of the court shall be given after the State's attorney has stated his conclusions. Decisions of the Courts of Appeal functioning as industrial courts may be appealed to the Court of Cassation for reasons contained in article 517 of the Code of Civil Procedure. Special rules of procedure are to be laid down for these industrial courts to take the place of the ordinary rules of the Code of Civil Procedure.

SPECIAL POSITION OF UNRECOGNIZED ORGANIZATIONS

Only organizations recognized by law are permitted to take proceedings before the industrial courts in disputes relating to collective agreements and the decisions of the industrial courts are binding on all the employers and workers in the category and district concerned.

In the case of joint organizations of employers and workers the proceedings are taken by the special representatives of em-

*This decree provides for supervision by the provincial authorities, who may appoint commissioners for the administration of the property of such organizations, and may order their dissolution in the event of any abuse of public confidence, or if such organizations pursue objects other than those connected with the economic or social interests of the workers.

ployers and of workers respectively; but proceedings may be taken in such cases only if the joint representative body of the organization declares that it has endeavored, but without success, to settle the dispute amicably.

NO STOPPAGE OF INDUSTRY

Strikes and Lockouts—Strikes and lockouts are prohibited. Employers who shut down their establishments without any justifiable reason and with the sole object of obtaining from their employees modifications of labor agreements in force will be punished with fines of 10,000 lire.* Similarly, any three or more salaried employees or workers who, after previous agreement, abandon their work, or who work in such a manner as to disturb the continuity or regularity of the work in order to obtain modified labor contracts from their employers, are liable to fines of from 300 to 1,000 lire. The leaders, promoters, or organizers of such strikes or lockouts are punishable by imprisonment for a period of not less than one year and not more than two years, in addition to the fines provided above.

Employees of the State and other public authorities and of public utilities are punishable for the same offenses by imprisonment for a period of from one to six months and by the loss for six months of the right to hold public office; and the leaders, promoters, or organizers of strikes are punishable by imprisonment for a period of from six months to one year, a fine of from 5,000 to 100,000 lire, and the loss for a period of not less than three years of the right to hold public office.

Entrepreneurs of public utilities who shut down their establishments without justifiable reason are punishable by imprisonment for not less than six months nor more than one year and by a fine of from 5,000 to 100,000 lire, and by temporary loss of the right to hold public office.

Increased penalties are provided for cases in which a lockout or strike causes public danger or the death of one or more persons.

Imprisonment for a period of from one

to six months is also prescribed for employees of the State or other public authorities and for entrepreneurs and employees of public utilities who in the event of a lockout or strike fail to do all in their power to maintain continuous service or to bring about resumption of the services affected.

Finally, if a stoppage of work on the part of employers, or a similar stoppage of work or sabotage on the part of the workers, is intended to influence the decisions of any State, provincial, or communal body, or of any public official, the leaders, promoters, or organizers of such action may be punished by imprisonment for not less than three nor more than seven years, and by a permanent loss of the right to hold public office, while other guilty parties may be punished by imprisonment for a period of from one to three years and temporary loss of the right to hold public office.

Punishment by fines and imprisonment is also provided for cases in which employers or workers or officers of recognized organizations refuse to carry out decisions of the industrial courts; this without prejudice to enforcement of such decisions in accordance with the common law on civil liability. Officers of recognized organizations who are guilty of this offense will also be removed from office.

FUNDAMENTALS OF FASCIST LABOR LAWS

Three main principles are involved in this legislation — exclusive recognition of certain organizations by the State; compulsory arbitration; and prohibition of strikes and lockouts.

It is contended by the critics of the measure, that it is monopolistic in character and a serious limitation on freedom; while its supporters claim that it is the substitution of the principle of co-operation for that of competition and thus a step in the abolition of class struggle.

PROPOSED REFORM OF SENATE

The Senate, as it has long been constituted, is not an elective body. It is composed of:

1. Princes of the royal house.
2. An unlimited number of members ap-

*The lira at par is equivalent to 19.3 cents; the rate of exchange varies.

pointed for life by the King on the nomination of the Premier from certain categories.

- a. Those who have filled certain high offices.
- b. Those who have acquired fame in science, literature, art or other pursuits tending to the benefit of the

nation.

- c. Those who pay a certain amount of taxes.

It is now proposed, without displacing the present members, to turn the Senate in part into an elective body, based on trade and professional affiliations and elected by the corporations.
